

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

10/718,841

JAN 17 2007

REMARKS

The Applicant would like to thank Examiner for the analysis contained in the Examination Report dated November 17, 2006.

The Examiner's assessment of the Applicant's Response to the initial Official Action was that "the arguments are more limiting than the claims". The Examiner suggested "that the claims be amended to recite the correlation of the spray system and the article being treated". In this response, the Applicant endeavored to follow the Examiner's suggestions with respect to the entered amendments for claim 1. If any additional amendment to claim 1 is believed necessary, please contact the undersigned to discuss the same.

Claims 1-3 and 7-9 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over either UK '330 or UK '095 in view of JP '049. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Both of the UK patents disclose humidification systems used to deliver moisture. The problem identified in the UK patents is contamination of the humidification systems. UK '330 describes a maintenance system which flushes the piping of the apparatus with disinfectant. UK '095 describes an apparatus which uses ozone to ensure the humidity is sterile.

JP '049 describes the use of rotating nozzles, in an airtight vegetable cleaning chamber, to clean vegetables used in salads.

In accordance with the suggestion of the Examiner, the claim 1 is amended to distinguish over all of the applied art and by specifying that the refrigerated fixture is one with a moisturizing spray manifold positioned above the product support which sprays liquid onto the product support to maintain moisture in produce displayed on the product support. With this amendment, the refrigerated fixture in question must have a moisturizing spray manifold positioned above the product support for the purpose of supplying moisture to the produce and a disinfecting spray manifold positioned below the product support for the purpose of disinfecting any water that drips down from the product support into the case tank. The spray manifold positioned below the product support uses a chemical disinfectant.

BEST AVAILABLE COPY

10/718,841

It is respectfully submitted that claim 1, as amended, now adequately distinguishes over the combination of either UK '330 and/or UK '095 in combination with JP '049. Insofar as the Applicant is aware, there has never been a refrigerated fixture with spray manifolds positioned both above the product support and below the product support. There is no teaching in any of UK '330, UK '095 or JP '049 references that would suggest placing UK '330 or UK '095 above the product support to provide humidity to produce on display on the product support and a disinfecting spray manifold under the product support in the case tank.

The Applicant acknowledges that the additional reference of Veith '792 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base references of UK '330 and/or UK '095 and JP '049 with this additional art of Veith '792 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In view of the foregoing amendments, it is respectfully submitted that the present application is now in a condition for allowance. The Applicant, therefore, requests the early issue of a Notice of Allowance. As the Examiner made this action final, the ability of the Applicant to present further argument relating to other types of refrigerated fixtures is limited, so the Applicant is forced to choose one type of fixture in keeping with the Examiner's suggestions. The Applicant reserves its right to pursue patent protection for refrigerated fixtures that do not have humidifying spray systems positioned above the product support, via a continuation application. Such refrigerated fixtures are used for the display of meat, poultry, seafood, eggs, and dairy products. There are also refrigerated fixtures used for produce that do not have any humidification system. These refrigerated fixtures either display product dry, display produce on ice or are kept moist through manual spraying using hoses.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

BEST AVAILABLE COPY

BEST AVAILABLE COPY

10/718,841

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the UK '330, UK '095, JP '049 and/or Veith '792 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com

BEST AVAILABLE COPY